

07-26-04

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/787,497         | 02/26/2004             | Robert Bals           | 68004167.1001          |



23562  
 BAKER & MCKENZIE  
 PATENT DEPARTMENT  
 2001 ROSS AVENUE  
 SUITE 2300  
 DALLAS, TX 75201

CONFIRMATION NO. 4981

## FORMALITIES LETTER



\*OC000000012783023\*

Date Mailed: 05/26/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/28/2004 HDEMESS1 00000003 10787497

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 DP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also

provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

  
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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



1. By the Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 08/30/2003. OMB 0651-0031  
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**TRANSMITTAL  
FORM**

*(to be used for all correspondence after initial filing)*

|  |  |                        |                  |
|--|--|------------------------|------------------|
| <b>TRANSMITTAL<br/>FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |  | Application Number     | 10/787,497       |
|  |  | Filing Date            | 2/26/2004        |
|  |  | First Named Inventor   | Bals             |
|  |  | Art Unit               | 1642             |
|  |  | Examiner Name          | Not yet assigned |
| Total Number of Pages in This Submission   |  | Attorney Docket Number | 68004167.1001    |

**ENCLOSURES** (Check all that apply)

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form   | <input checked="" type="checkbox"/> Drawing(s)  | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input checked="" type="checkbox"/> Fee Attached \$65                                   | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Preliminary Amendment/Reply                         | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition to Convert to a Provisional Application   | <input type="checkbox"/> Proprietary Information  |
| <input checked="" type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                                      | <input type="checkbox"/> Change of Correspondence Address   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                                    | <input type="checkbox"/> Terminal Disclaimer  |   |
| <input type="checkbox"/> Information Disclosure Statement                               | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                         | <input checked="" type="checkbox"/> CRF Sequence Listing  | 1. Sequence Listing (paper copy);   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application              | <input type="checkbox"/> CD, Number of CD(s) 2  | 2. Return postcard  |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <p>Remarks</p> <hr/> <p>The PTO did not receive the following listed Items(s) <u>2 CD FOR COPY 1 and COPY 2 NO FOR C.R.F.</u></p> |   |

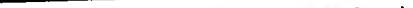
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or individual name | Brian C. McCormack, Baker & McKenzie LLP  |
| Signature               |  |
| Date                    | July 23, 2004   |

**CERTIFICATE OF EXPRESS MAILING**

EV183594143US

I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service "Express Mail post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to Attn: Mail Stop Missing Parts; Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|                       |   |      |               |
|-----------------------|---|------|---------------|
| Typed or printed name | Brian C. McCormack, Baker & McKenzie LLP  |      |               |
| Signature             |  | Date | July 23, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



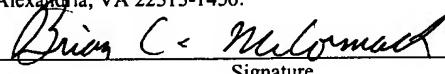
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bals, et al. § Group Art No.: 1642  
§  
Serial No.: 10/787,497 § Examiner: Not yet assigned  
§  
Filed: February 26, 2004 § Atty. Docket No.: 68004167.1001  
§  
For: Modulating Angiogenesis Using LL-37/HCAP-18

EXPRESS MAIL MAILING LABEL NO.: EV183594143US

DATE OF DEPOSIT: July 23, 2004

I, Brian C. McCormack, hereby certify that this correspondence is being deposited on the date shown above with sufficient postage with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature

July 23, 2004

Date

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF A  
NON-PROVISIONAL APPLICATION**

Mail Stop: Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

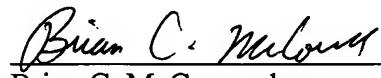
In response to the Notice to File Missing Parts of Provisional Application mailed May 26, 2004, Applicants hereby respectfully enclose the following:

1. A copy of the "Notice to File Missing Parts of a Non-Provisional Application";
2. A check in the amount of \$65 to accommodate the surcharge for late oath or declaration;
3. An executed Combined Declaration & Power of Attorney;
4. Replacement drawings Figures 1-2;
5. An initial paper copy of the "Sequence Listing". The paper copy is an exact printed version of the diskettes referenced in ¶6 below;

6. An initial computer readable form (CRF) copy of the "Sequence Listing" (in duplicate). Applicants have concurrently filed herewith a Preliminary Amendment directing entry of the sequence listing into the application.
7. Transmittal documents and postcard acknowledgement.

If the Examiner has any questions or would like to discuss any of the above, a telephone conference with the attorney listed below is greatly appreciated.

Respectfully submitted,

  
\_\_\_\_\_  
Brian C. McCormack  
Reg. No. 36,601  
ATTORNEY FOR APPLICANT

July 23, 2004  
BAKER & MCKENZIE  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201  
214/978-3007 (telephone)  
214/978-3099 fax